

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SPENCER MEYER, individually and on
behalf of those similarly situated,

Plaintiffs,

-against-

TRAVIS KALANICK,

Defendant.
-----X

:
: Case No. 1:15-cv-9796 (JSR)
:

: **DECLARATION OF VINCENT MI**
: **IN SUPPORT OF PROPOSED**
: **INTERVENOR UBER**
: **TECHNOLOGIES, INC.’S MOTION TO**
: **COMPEL ARBITRATION**
:

I, Vincent Mi, declare under penalty of perjury, as follows:

1. I am over the age of 18 and I submit this declaration in support of Proposed Intervenor Uber Technologies, Inc.’s (“Uber”) Motion to Compel Arbitration. I have personal knowledge of each fact stated in this declaration and, if called as a witness, I could and would competently and truthfully testify thereto.

2. I am a Senior Software Engineer at Uber. I am one of the developers on Uber’s Android team that designs and implements changes to the Android software application (the “Uber App”).

3. In the normal course of its business, Uber maintains records regarding when and how its riders register. As a Senior Software Engineer, I have access to these registration records, and I am familiar with these records and the manner in which they are updated and maintained. At the request of counsel, I reviewed the registration records and was able to identify the dates and methods by which Plaintiff Spencer Meyer registered for Uber: Mr. Meyer registered on October 18, 2014 via the Uber App using a Samsung Galaxy S5 phone with an Android operating system.

4. To date, Mr. Meyer has completed a total of ten trips via the Uber App. Three of these trips took place in New York City and one took place in Connecticut. Three took place in Washington, D.C. and three took place in Paris.

5. I am familiar with the account registration process for Uber users who register using an Android-operated smartphone. Screenshots of the account registration process are attached as **Exhibit A**.

a. After successfully downloading the Uber App and clicking the “Register” button, the user is prompted on the first screen, titled “Register,” to enter his name, email address, mobile phone number, and a password, or to sign up with the user’s Google+ or Facebook account. According to Uber’s records, Mr. Meyer did not sign up using Google+ or Facebook. For users who do not sign up using Google+ or Facebook, after filling in the above fields, the user can then advance to the next screen by clicking “Next.”

b. On the second screen, the user is prompted to enter his credit card information, or to opt to make payments using PayPal or Google Wallet. According to Uber’s records, Mr. Meyer did not elect to make payments using PayPal or Google Wallet, and instead entered his credit card information in the text box provided. The second screen includes the following notice: “By creating an Uber account, you agree to the TERMS OF SERVICE & PRIVACY POLICY.” The phrase “TERMS OF SERVICE & PRIVACY POLICY” is in all-caps, underlined, and in bright blue text, all of which set the text apart from other text on the screen and indicate a hyperlink. As demonstrated by the attached screenshots, the hyperlink is immediately visible when the user arrives on this second screen. When the hyperlink is clicked, the user is taken to a screen that

contains a button that accesses the “Terms and Conditions” and “Privacy Policy” then in effect.

c. The user must then click the “Register” button, which appears directly above the link to the terms on the final screen, to complete the registration process. Mr. Meyer could not have completed the registration process and requested a ride without completing these steps.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 24, 2016 at San Francisco, California.

By: 

Vincent Mi

102122617.4